

AGENDA - COUNCIL MEETING - WEDNESDAY - JANUARY 19, 2005 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0040 to 2005-0047
ORDINANCES – 2005-0056 to 2005-0072
RESOLUTION – None

2005-0039-1

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Quan

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 21

MISCELLANEOUS - NUMBER 1

1. Motion 2005-0040

CONFIRMATION of the appointment of the following to the **HOUSTON READ COMMISSION**, with three-year staggered terms from the date of appointment:

Position 20 - **MS. ETTA HILL**

Position 21 - **MS. DIANA M. VALVERDE**

ACCEPT WORK - NUMBERS 2 through 5

2. Motion 2005-0043

RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$69,514,014.52 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for Terminals A & B Parking Garage at George Bush Intercontinental Airport/Houston; Project No. 533B; CIP A-0351 - 07.40% over the original contract amount **DISTRICT B - GALLOWAY**

ACCEPT WORK - continued

3. Motion 2005-0044

RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,209,580.00 and acceptance of work on contract with **CERTIFIED / LVI ENVIRONMENTAL SYSTEMS, INC** for Asbestos Abatement at Jesse Jones Hall - Attic, GFS B-0038-03-5 - 04.21% over the original contract amount - **DISTRICT I - ALVARADO**

4. Council Members Green and Garcia tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,400,666.87 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 441, GFS N-0374-01-3 (SB9042) - 01.55% over the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA**

5. Council Member Green tagged

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,521,636.50 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of West Fuqua from South Belt to Campden Hill, GFS N-0489-01-3 (N-0489-01) - 00.90% under the original contract amount - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 6A

6. Ordinance 2005-0062

ORDINANCE approving and authorizing amendment to contract between the City of Houston and **BFI WASTE SERVICES OF TEXAS, L.P.** for Solid Waste Disposal and Equipment Leasing Services for the Houston Airport System and other departments approved and authorized by Ordinance No. 02-1101

a. Motion 2005-0045

DECLARE GOPDQ.NET, L.L.C. dba PDQ PORTABLE TOILETS non-responsible for a period of 24-months for failure to comply with the requirements/standards set forth in its contract with the City of Houston

ORDINANCES - NUMBERS 7 through 21

7. Ordinance 2005-0063

ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City

8. Ordinance 2005-0064

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Enforcement of Solid Waste Regulations

9. Ordinance 2005-0056

ORDINANCE approving and authorizing Oil, Gas and Mineral Lease between the City of Houston, as lessor, and **ALLIED ENERGY SERVICES, LLC**, as lessee, for the Production of the City's Oil and Gas Interests under 316.56 acres of land out of the M. M. Battle League, Abstract 9, and Alexander Hodge League, Abstract 32, Fort Bend County, Texas, being part of Cullinan Park at Oyster Creek - \$39,625.00 - Revenue

ORDINANCES - continued

10. Ordinance 2005-0065

ORDINANCE approving and authorizing sixth amendment to Gas Sales Contract between the City and **CENTERPOINT ENERGY ENTEX** to extend the contract for a period of eight years; approved by Ordinance Number 89-1230 (Co. No. 29624)

11. Ordinance 2005-0057

ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 407**

Written motion by Council Member Garcia to amend Item 12 as follows:

"The City of Houston will amend contract between City of Houston and Safe Clear vendors to reflect credit for confirmed free tows against any amounts owed by the Safe Clear vendors to the City of Houston for their assigned segments. Such credit shall be reflected when the next payment by the Safe Clear vendors is due." – Council Member Quan tagged

12. Council Members Holm and Quan tagged

ORDINANCE approving and authorizing amended and restated contracts with towing company operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T&T MOTORS, UNIFIED AUTO WORKS** and **WESTSIDE WRECKER SERVICE, INC,** for Major Freeway Tow Agreements and approving and authorizing a Major Freeway Tow Agreement between the City of Houston and **KTL ENTERPRISES, INC.;** providing a maximum contract amount

13. Ordinance 2005-0066

ORDINANCE awarding contract to **RICHARD WEHRMEISTER, KIRK WEHRMEISTER** and **TIM HARRINGTON** all as general partners of a partnership doing business as **ADVANCED OVERHEAD CRANE SERVICES** for Inspection, Maintenance and Repair Services on Overhead Cranes and Hoists for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$541,490.00 - General and Enterprise Funds

14. Council Members Holm and Ellis tagged

ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$4,000,000.00 in Community Development Block Grant Funds to assist in the Design and Construction of the Aquatic Center-Natatorium - **DISTRICT D - EDWARDS**

15. Ordinance 2005-0067

ORDINANCE authorizing payment of up to \$150,742.43 from the Water Service Fund to the **UNITED STATES INTERNAL REVENUE SERVICE** for Arbitrage rebate for Water Sewer Junior Lien Revenue Bonds, Series 1994A and 1994B

16. Ordinance 2005-0068

ORDINANCE amending Ordinance No. 2001-0129 to increase the maximum contract amount for Contract No. C52372 between the City of Houston and **CINGULAR WIRELESS (formerly HOUSTON CELLULAR TELEPHONE COMPANY, L.P.)** for Wireless Communications Services for Various Departments - \$625,000.00 - Central Service Revolving Fund

ORDINANCES - continued

17. Ordinance 2005-0058

ORDINANCE appropriating \$623,250.00 out of Airport System Consolidated 2001 AMT Construction Fund (548); authorizing the purchase of land and improvements thereon out of Wooded Acres, J. W. McGinnis Survey, A-587, Hartland Acres, W.C.R.R. Co. Survey, Section One, A-935, and J. C. Hayes Subdivision, McAuley Survey A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-57.1; Project 617; approving purchase and sale agreements with the owners of the land (Donald Ortiz, and Geraldine Howington, Bobby J. Reneau and Henrietta Reneau, and Wendylynn West Rivera) **DISTRICT B - GALLOWAY**

18. Ordinance 2005-0059

ORDINANCE appropriating \$934,000.00 out of Airport System Improvement Fund (561); authorizing the purchase of certain tract of land containing 44.51 acres out of McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-58.1; approving purchase and sale agreement with the owner of the land (Southern National Bank of Texas) - **DISTRICT B - GALLOWAY**

19. Ordinance 2005-0069

ORDINANCE appropriating \$478,019.50 out of Police Consolidated Construction Fund, awarding construction contract to **AAR INCORPORATED** for Construction of 1300 Dart Street, GFS G-0071-06-5; providing funding for Environmental Consulting Services, and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund 435 **DISTRICT H - GARCIA**

20. Ordinance 2005-0060

ORDINANCE appropriating \$622,000.00 out of Street & Bridge Consolidated Construction Fund for Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION**, (Contract No. 55510 and approved by Ordinance No. 2003-1159) for Construction of State Highway 6 from North of IH-10 to South of IH-10, GFS N-0611-48-2 (SB9144-03) - **DISTRICTS A - LAWRENCE and G - HOLM**

21. Ordinance 2005-0070

ORDINANCE appropriating \$157,201.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on Richmond Avenue Intersection at the IH-610 West Loop, GFS S-0521-S1-3 (SB9144-04); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and G - HOLM**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 22

MISCELLANEOUS

22. Motion 2005-0041 – Close nominations

RECEIVE nominations for Position 18 of **HOUSTON READ COMMISSION**, with a three-year term from the date of appointment

Ms. Maribel H. Barrera nominated by Council Member Garcia

MATTERS HELD - NUMBERS 23 through 28

23. Motion 2005-0046 – Postpone one(1) week

ORDINANCE **AMENDING SECTION 14-182 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Removal. Demotion and Suspension of Employees

TAGGED BY COUNCIL MEMBER GALLOWAY

This was Item 12 on Agenda of January 12, 2005

Written motion by Council Member Galloway to amend Item 24 as follows:

“..Department Director. Each person appointed as a department director by the mayor and confirmed by the council to assume the administrative duties of the various departments of the city. For purposes of administering this article only, each person appointed by the mayor as the director or head of the division for each of the divisions of the mayor’s office which is limited to each of the following (311, Citizens Assistance Office, Affirmative Action (including the Office of Disabilities and One Stop Business Center), 911/Houston Emergency Center) shall also be considered a ‘department director.’” – Council Members Alvarado and Galloway tagged

24. Motion 2005-0047 – Postpone one (1) week

ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the term Department Director - **TAGGED BY COUNCIL MEMBER GALLOWAY**

This was Item 13 on Agenda of January 12, 2005

Motion 2005-0042 - Written motion by Council Member Holm to amend Item 25 as follows:

- “1. Deleting Section 4 in its entirety from the ordinance and renumbering Section 5 of the Ordinance as Section 4, and
2. Substituting the amount of \$100,000 in place of \$150,000 as the Original Allocation in Article IV section D (2) of the contract.”

25. Ordinance 2005-0061 – Adopt as amended

ORDINANCE approving and authorizing agreement for Legal Services between the City and **VINSON & ELKINS L.L.P.** for Litigation Support related to passage of Proposition 1 and Proposition 2 on the November 2, 2004, Ballot; providing a maximum contract amount \$250,000.00 - General Fund - **TAGGED BY COUNCIL MEMBERS EDWARDS, LAWRENCE, KHAN, SEKULA-GIBBS, QUAN, HOLM and ELLIS**

This was Item 19 on Agenda of January 12, 2005

MATTERS HELD - continued

26. Postpone two (2) weeks by consent

ORDINANCE appropriating \$332,162.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction on IH-610 South Loop from N. Braeswood Blvd to Kirby Drive, GFS S-0521-S3-3 (WA10852); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG**
TAGGED BY COUNCIL MEMBER GOLDBERG
This was Item 26 on Agenda of January 12, 2005

27. Ordinance 2005-0071

ORDINANCE appropriating \$177,045.26 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing Developer Participation Contract between the City of Houston and **RICO DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Almeda Meadows Subdivision, CIP S-0800-D5-03 and R-0800-D5-03 **DISTRICT D - EDWARDS** - **TAGGED BY COUNCIL MEMBER EDWARDS**
This was Item 28 on Agenda of January 12, 2005

28. Ordinance 2005-0072

ORDINANCE appropriating \$186,100.00 out of Water & Sewer System Consolidated Construction Fund and \$219,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **JACK C. CANNATA, dba CANNATA CONSTRUCTION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Pierce Junction Village Subdivision, CIP S-0800-F5-03 and R-0800-F5-03 - **DISTRICT D - EDWARDS**
TAGGED BY COUNCIL MEMBER EDWARDS
This was Item 29 on Agenda of January 12, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

1/19/2005 – Council Member Edwards out of the City on City business
Council Member Wiseman out of the City of Houston